IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO: 13011 of 2005

Between:

M. Lakshminarayana Retd. Assistant Manager, S/o. M. Giddaiah
H.No. 4/949, 5th road, New Town, Anantapur.

..... PETITIONER

AND

1 The Anantapur Coop. Central Bank Ltd., Rep. by its General Manager,

Anantapur.
2 The Board of Directors Cum Appellate Authority, Rep. by the Person

incharge Chairman, Anantapur.
3 The Joint Collector, Anantapur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction mostly one which is in the nature of writ of MANDAMUS declaring the proceedings No. 11/Vig/2002-03 dt.17-6-2004 of the 1st Respondent and proceedings No. 11/Viz/2002-03 dt.17-5-2005 of the 1st respondent issued on behalf of the 2nd respondent as illegal, irregular, arbitrary, against the established principles of law, unconstitutional and set aside the same holding that the petitioner is not guilty of the charges framed against him.

Counsel for the Petitioner: MR.P.VEERA REDDY

Counsel for the Respondents 1 and 2: MR.O.MANOHER REDDY

Counsel for the Respondent No.3: GP FOR REVENUE

The Court at the stage of admission made the following:

ORDER:

This writ petition is filed by the petitioner, who is stated to have been retired as Assistant Manager of the first respondent-bank. It is stated that disciplinary proceedings were initiated against the petitioner and finally an order was passed by the first respondent imposing a fine of Rs.1,05,979-00, which is stated to be equivalent to the loss caused to the bank. It is further stated that the petitioner filed an appeal before the second respondent as provided under the statute. The appellate authority, instead of disposing of the appeal, issued a notice dated 17-05-2005, directing the petitioner to deposit the fine amount within 15 days in order to consider his appeal. Aggrieved by that, the petitioner has come up with the present writ petition.

2. The learned counsel for the petitioner contended that the impugned notice dated 17-05-2005 issued by the General Manager, on behalf of the appellate authority-the second respondent herein, directing the petitioner to pay the fine amount before considering his appeal, is illegal and without jurisdiction. According to the learned counsel, there is no specific provision, which requires the payment of fine amount for taking up the appeal for consideration. In addition, it is stated by the learned counsel that the petitioner had already retired as Assistant Manager of the first respondent-bank and he is entitled for all the terminal benefits, which are with held by the first respondent bank which totals about Rs.4 lakhs which is payable to the petitioner by the respondent-bank. Therefore, it is contended by the learned counsel that in the absence of any specific provision providing for payment of the fine before an appeal is being taken up by the appellate authority, the impugned notice is illegal and without jurisdiction.

3. On the other hand, the learned counsel appearing for the respondents

1 and 2 opposed the contention and stated that the petitioner has to pay the amount in view of the order passed by the disciplinary authority.

4. Heard both sides and considered the material on record.

5. In view of the absence of any specific Rule or Bye-law, the impugned notice on behalf of the second respondent, imposing a condition for depositing the fine amount before the appeal is being taken up for consideration, is illegal and without jurisdiction and the same is accordingly set aside. The second respondent is directed to dispose of the appeal on merits expeditiously, preferably, within a period of six weeks from the date of receipt of a copy of this order. Pending disposal of the appeal, the respondents 1 and 2 are further directed to pay the retiral benefits to the petitioner within four weeks from the date of receipt of a copy of this order, except to the extent of the amount equivalent to the fine imposed by the disciplinary authority.

6. Accordingly, the writ petition is disposed of. No order as to costs.

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S.ANANDA REDDY, J

20th June, 2005

Note:

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Furnish C.C. within one week.

B/o.

SKM

To

1 The General Manager, Anantapur Coop. Central Bank Ltd.,

Anantapur.

2 The Person Incharge Chairman, the Board of Directors Cum Appellate

Authority, Anantapur.
3 The Joint Collector, Anantapur.

4. Two C.Cs. to G.P. for Revenue, High Court Buildings,

High Court of A.P., Hyderabad (OUT)

5 2 CD copies

*Form-NIC-OGS/WP{**VSMI**}*